

SENATE BILL NO. 235

INTRODUCED BY B. BROWN, NELSON

IN THE SENATE

JANUARY 27, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 17, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1987 PRINTING REPORT.

FEBRUARY 19, 1987 SECOND READING, DO PASS.

FEBRUARY 20, 1987 ENGROSSING REPORT.

FEBRUARY 21, 1987 THIRD READING, PASSED.
AYES, 39; NOES, 9.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 4, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 6, 1987 SECOND READING, CONCURRED IN.

ON MOTION, TAKEN FROM THIRD READING
AND REREFERRED TO COMMITTEE
ON APPROPRIATIONS.

MARCH 20, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 27, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987

THIRD READING, CONCURRED IN.
AYES, 91; NOES, 7.

RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 Senate BILL NO. 235
2 INTRODUCED BY Bob Brown Nelson

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DEFINITION
5 OF PUPIL TO INCLUDE PEOPLE WHO ARE 19 YEARS OLD AND THEREBY
6 INCLUDING 19-YEAR-OLD PUPILS IN THE DETERMINATION OF THE
7 AVERAGE NUMBER BELONGING (ANB) AND THE CALCULATION FOR
8 FUNDING UNDER THE FOUNDATION PROGRAM; AMENDING SECTION
9 20-1-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

12 Section 1. Section 20-1-101, MCA, is amended to read:
13 "20-1-101. Definitions. As used in this title, unless
14 the context clearly indicates otherwise, the following
15 definitions apply:

16 (1) "Agricultural experiment station" means the
17 agricultural experiment station established at Montana state
18 university.

19 (2) "Average number belonging" or "ANB" shall mean the
20 average number of regularly enrolled, full-time pupils
21 attending the public schools of a district.

22 (3) "The board of public education" is the board
23 created by Article X, section 9, subsection (3), of the 1972
24 Montana constitution and 2-15-1507.

25 (4) "Board of regents" means the board of regents of

1 higher education created by Article X, section 9, subsection
2 (2), of the 1972 Montana constitution and 2-15-1505.

3 (5) "Commissioner" means the commissioner of higher
4 education created by Article X, section 9, subsection (2),
5 of the 1972 Montana constitution and 2-15-1506.

6 (6) "County superintendent" means the county
7 government official who is the school officer of the county.

8 (7) "District superintendent" means any person who
9 holds a valid class 3 Montana teacher certificate with a
10 superintendent's endorsement that has been issued by the
11 superintendent of public instruction under the provisions of
12 this title and the policies adopted by the board of public
13 education and who has been employed by a district as a
14 district superintendent.

15 (8) "Postsecondary vocational-technical center" means
16 a school used principally for the provision of postsecondary
17 vocational-technical education to persons who qualify as
18 postsecondary vocational-technical pupils. These centers are
19 designated by the superintendent of public instruction upon
20 direction by the legislature. All other public or private
21 schools are hereby prohibited from using this title.

22 (9) "Postsecondary vocational-technical education"
23 means vocational-technical education of postsecondary
24 vocational-technical pupils which is conducted by a
25 postsecondary vocational-technical center or other programs



1 as designated by the superintendent of public instruction.
 2 Postsecondary vocational-technical education shall include
 3 the 13th and 14th year and beyond but will not include work
 4 toward a baccalaureate degree.

5 (10) "Postsecondary vocational-technical pupil" means a
 6 person who has completed or left school, is at least 16
 7 years of age, and is available for study in preparation for
 8 entering the labor market, for reentering the labor market,
 9 or for employment stability or advancement in employment.

10 (11) "Principal" means any person who holds a valid
 11 class 3 Montana teacher certificate with an applicable
 12 principal's endorsement that has been issued by the
 13 superintendent of public instruction under the provisions of
 14 this title and the policies adopted by the board of public
 15 education and who has been employed by a district as a
 16 principal. For the purposes of this title, any reference to
 17 a teacher shall be construed as including a principal, as
 18 herein defined.

19 (12) "Pupil" means any child who is 6 years of age or
 20 older on or before September 10 of the year in which the
 21 child is to enroll or has been enrolled by special
 22 permission of the board of trustees under 20-5-101(3) but
 23 has not yet reached his ~~19th~~ 20th birthday and who is
 24 enrolled in a school established and maintained under the
 25 laws of the state of Montana at public expense.

1 (13) "Pupil instruction" means the conduct of organized
 2 instruction of pupils enrolled in public schools while under
 3 the supervision of a teacher.

4 (14) "Regents" means the board of regents of higher
 5 education.

6 (15) "School food services" means a service of
 7 providing food for the pupils of a district on a nonprofit
 8 basis and shall include any food service financially
 9 assisted through funds or commodities provided by the United
 10 States government.

11 (16) "The state board of education" is the board
 12 composed of the board of public education and the board of
 13 regents as specified in Article X, section 9, subsection
 14 (1), of the 1972 Montana constitution.

15 (17) "State university" means the Montana state
 16 university, located at Bozeman.

17 (18) "Superintendent of public instruction" means that
 18 state government official designated as a member of the
 19 executive branch by the constitution of Montana.

20 (19) "System" means the Montana university system.

21 (20) "Teacher" means any person, except a district
 22 superintendent, who holds a valid Montana teacher
 23 certificate that has been issued by the superintendent of
 24 public instruction under the provisions of this title and
 25 the policies adopted by the board of public education and

1 who is employed by a district as a member of its
 2 instructional, supervisory, or administrative staff. This
 3 definition of a teacher shall also include any person for
 4 whom an emergency authorization of employment of such person
 5 has been issued under the provisions of 20-4-111.

6 (21) "Textbook" means a book or manual used as a
 7 principal source of study material for a given class or
 8 group of students.

9 (22) "Textbook dealer" means any party, company,
 10 corporation, or other organization selling, offering to
 11 sell, or offering for adoption textbooks to districts in the
 12 state of Montana.

13 (23) "Trustees" means the governing board of a
 14 district.

15 (24) "University" means the university of Montana,
 16 located at Missoula.

17 (25) "Vocational education" means the instruction to
 18 prepare or improve the pupil for gainful employment that
 19 does not require a baccalaureate or higher degree. This
 20 definition of vocational education shall include guidance
 21 and prevocational, related, or technical instruction
 22 necessary to prepare the pupil for further vocational
 23 education or for entry into employment."

24 NEW SECTION. Section 2. Extension of authority. Any
 25 existing authority of the superintendent of public

1 instruction to make rules on the subject of the provisions
 2 of this act is extended to the provisions of this act.

3 NEW SECTION. Section 3. Effective date. This act is
 4 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB235, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act changing the definition of pupil to include people who are 19 years old and thereby including 19 year old pupils in the determination of the average number belonging (ANB) and the calculation for funding under the Foundation Program.

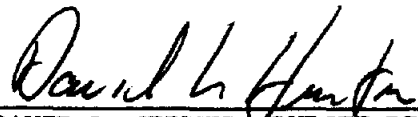
ASSUMPTIONS:

1. The number of students currently enrolled that are 19 is unknown.

FISCAL IMPACT:

Unknown. However, the costs of the Foundation Program would increase for every student that is 19 years old under this proposal. The amount of additional funding for an individual district would be dependent upon the size of the school and the number of students that are 19 years old.

Currently, the amount of high school funding contained in the maximum general fund budget without a vote schedules range from \$4,785 per student (smallest schools) to \$1,993 per student (largest schools).

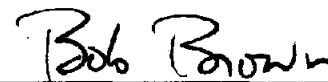


DATE

2/2/87

DAVID L. HUNTER, BUDGET DIRECTOR

Office of Budget and Program Planning



DATE

Feb. 3, 1987

ROBERT BROWN, PRIMARY SPONSOR

Fiscal Note for SB235, as introduced

SB 235

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

SENATE BILL NO. 235

INTRODUCED BY B. BROWN, NELSON

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING-~~THE-DEFINITION OF-PUPIL-TO-INCLUDE-PEOPLE-WHO-ARE-19-YEARS-OLD-AND--THEREBY~~ INCLUDING 19-YEAR-OLD PUPILS IN THE DETERMINATION OF THE AVERAGE NUMBER BELONGING (ANB) AND THE CALCULATION FOR FUNDING UNDER THE FOUNDATION PROGRAM; AMENDING SECTION 20-1-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state university.

(2) "Average number belonging" or "ANB" shall mean the average number of regularly enrolled, full-time pupils attending the public schools of a district.

(3) "The board of public education" is the board created by Article X, section 9, subsection (3), of the 1972 Montana constitution and 2-15-1507.

(4) "Board of regents" means the board of regents of

higher education created by Article X, section 9, subsection (2), of the 1972 Montana constitution and 2-15-1505.

(5) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the 1972 Montana constitution and 2-15-1506.

(6) "County superintendent" means the county government official who is the school officer of the county.

(7) "District superintendent" means any person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(8) "Postsecondary vocational-technical center" means a school used principally for the provision of postsecondary vocational-technical education to persons who qualify as postsecondary vocational-technical pupils. These centers are designated by the superintendent of public instruction upon direction by the legislature. All other public or private schools are hereby prohibited from using this title.

(9) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary vocational-technical pupils which is conducted by a postsecondary vocational-technical center or other programs



1 as designated by the superintendent of public instruction.
 2 Postsecondary vocational-technical education shall include
 3 the 13th and 14th year and beyond but will not include work
 4 toward a baccalaureate degree.

5 (10) "Postsecondary vocational-technical pupil" means a
 6 person who has completed or left school, is at least 16
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19 (12) "Pupil" means any child who is 6 years of age or
 20 older on or before September 10 of the year in which the
 21 child is to enroll or has been enrolled by special
 22 permission of the board of trustees under 20-5-101(3) but
 23 has not yet reached his ~~19th~~ 20th 19TH birthday and who is
 24 enrolled in a school established and maintained under the
 25 laws of the state of Montana at public expense. FOR PURPOSES

1 OF CALCULATING THE AVERAGE NUMBER BELONGING (ANB) PURSUANT
 2 TO 20-9-311, THE DEFINITION OF PUPIL INCLUDES A PERSON WHO
 3 HAS NOT YET REACHED HIS 19TH BIRTHDAY BY SEPTEMBER 10 OF THE
 4 YEAR AND IS ENROLLED UNDER 20-5-101(3) IN A SCHOOL
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 6 PUBLIC EXPENSE.

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 8 instruction of pupils enrolled in public schools while under
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THERE ARE NO CHANGES ON SB 235 AND DUE TO LENGTH WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING (YELLOW) OR THIRD READING (BLUE) FOR COMPLETE TEXT.

REFERENCE BILL

