

SENATE BILL NO. 302

INTRODUCED BY JERGESON, M. WILLIAMS, GLASER, PECK,
B. BROWN, REGAN

IN THE SENATE

FEBRUARY 6, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1987 PRINTING REPORT.

FEBRUARY 21, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

FEBRUARY 23, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 24, 1987 ENGROSSING REPORT.

FEBRUARY 25, 1987 THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 24, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 96; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987

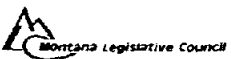
RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 *Senate* BILL NO. *302*
 2 INTRODUCED BY *Jerguson M. Williams*
 3 *Peck Bob Brown*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE APPROVAL
 5 OF HIGH SCHOOL TUITION WHEN A CHILD IS REQUIRED TO ATTEND
 6 HIGH SCHOOL OUTSIDE THE JURISDICTION OF HIS RESIDENCE BUT
 7 WITHIN THE STATE OF MONTANA; AND AMENDING SECTION 20-5-311,
 8 MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 20-5-311, MCA, is amended to read:
 12 "20-5-311. High school tuition. (1) Any child may be
 13 enrolled in and attend a high school outside of the high
 14 school district in which he resides when such high school is
 15 located in Montana or in a county of another state that is
 16 adjacent to the state of Montana. When a parent or guardian
 17 of a child wishes to have his child attend a school under
 18 the provisions of this section, he shall apply to the county
 19 superintendent of the county of his residence before July 1
 20 of the school fiscal year for which he seeks approval except
 21 in those cases when substantial changes in circumstances
 22 occurred subsequently to justify later application. Such
 23 application shall be made on a tuition agreement form
 24 supplied by the county superintendent. The trustees of the
 25 district of residence, the trustees of the district in which

1 the child wishes to attend school, and the county
 2 superintendent are the approval agents for tuition to
 3 another high school within the county. The county
 4 superintendent of the county of residence and the trustees
 5 of the district in which the child wishes to attend school
 6 are the approval agents for attendance outside the county.
 7 (2) (a) (i) The approval agents shall approve a
 8 tuition application when a child lives closer to a high
 9 school of another district than any high school located
 10 within his resident district or when, due to road or
 11 geographic conditions, it is impractical to attend the high
 12 school nearest his residence.
 13 (ii) However, the approval agents are not required to
 14 approve a tuition application for a student seeking to
 15 attend a high school outside the state of Montana or the
 16 resident district if the resident district provides
 17 transportation. This exception does not apply when:
 18 (A) the child resides in a county different from the
 19 county wherein the school he wishes to attend is located; or
 20 (B) the child has enrolled in a high school outside
 21 his resident district and has received an approved tuition
 22 agreement on or before April 30, 1985. For the purposes of
 23 this subsection (2)(a)(ii)(B), the child has the right to
 24 continue his high school education in the receiving high
 25 school outside his resident district on an approved tuition



1 agreement, subject to the provisions of this section.

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

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

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

12 (c) In approving a tuition agreement under this
13 provision, the approval agents may require the child to
14 attend the high school closest to his residence. The
15 approval agents may approve any other tuition application
16 that satisfies the geographic requirements of this section.

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

22 (4) The county superintendent shall notify the parent
23 or guardian and the trustees of the district where the child
24 wishes to attend school of the tuition agreement approval or
25 disapproval. If a tuition agreement is disapproved by one or

1 more approval agents, the parent may appeal such disapproval
2 to the county superintendent and, subsequently, to the
3 superintendent of public instruction under the provision for
4 the appeal of controversies in this title.

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

10 NEW SECTION. Section 2. Extension of authority. Any
11 existing authority of the superintendent of public
12 instruction to make rules on the subject of the provisions
13 of this act is extended to the provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB302, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the approval of high school tuition when a child is required to attend high school outside the jurisdiction of his residence but within the State of Montana; and amending Section 20-5-311, MCA.

ASSUMPTIONS:

1. Under current law, the Department of Social and Rehabilitation Services (SRS) does not pay educational costs for foster care placements at out-of-state institutions. The proposed bill does not clearly identify the party responsible for such costs; however, if SRS were determined to be responsible for such costs the proposed bill would have a fiscal impact.
2. If SRS were responsible for educational costs of out-of-state placements, it is assumed that 50 percent of such placements would require payment. One half the estimated number of days of care for out-of-state placements is estimated to be 6,856 in FY88 and FY89.
3. The funding for such costs would be 87 percent state and 13 percent county funds. The remainder of the out-of-state placements would be classified as special education placements and education costs would not be affected by the proposed legislation.
4. Data is not available regarding the amount or mix of local school district funds that currently finance the educational costs of out-of-state placements for foster care.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
<u>Expenditures:</u>						
Out-of-State education expenses	\$ 0	\$130,734	\$ 130,734	\$ 0	\$130,734	\$ 130,734
<u>Funding:</u>						
General Fund	\$ 0	\$113,739	\$ 113,739	\$ 0	\$113,739	\$ 113,739
County Fund	\$ 0	\$ 16,995	\$ 16,995	\$ 0	\$ 16,995	\$ 16,995

These education expenses might not be paid by the local school districts, and SRS is not assuming responsibility of these costs.

David L. Hunter DATE 2/13/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Greg Jergeson DATE 2/17/87
 GREG JERGESON, PRIMARY SPONSOR

Fiscal Note for SB302, as introduced.

SB 302

Fiscal Note Request, SB302, as introduced.

Form BD-15

Page 2

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local school districts will not be responsible to pay for the non-special education out-of-state placements and will realize an estimated savings of \$130,734.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Section 1(2)(b) does not fix responsibility for who will pay for out-of-district placements not made within the State of Montana.

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 302

INTRODUCED BY JERGESON, M. WILLIAMS, GLASER, PECK,

B. BROWN, REGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ~~THE~~ APPROVAL
PROVIDING FOR THE PAYMENT OF HIGH SCHOOL TUITION WHEN A
CHILD IS REQUIRED TO ATTEND HIGH SCHOOL OUTSIDE THE
JURISDICTION ~~OF HIS RESIDENCE~~ BUT WITHIN THE STATE OF
MONTANA; AND AMENDING SECTION SECTIONS 20-5-311 AND
20-9-313, MCA."

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

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

"20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the high school district in which he resides when such high school is located in Montana or in a county of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form

supplied by the county superintendent. The trustees of the district of residence, the trustees of the district in which the child wishes to attend school, and the county superintendent are the approval agents for tuition to another high school within the county. The county superintendent of the county of residence and the trustees of the district in which the child wishes to attend school are the approval agents for attendance outside the county.

(2) (a) (i) The approval agents shall approve a tuition application when a child lives closer to a high school of another district than any high school located within his resident district or when, due to road or geographic conditions, it is impractical to attend the high school nearest his residence.

(ii) However, the approval agents are not required to approve a tuition application for a student seeking to attend a high school outside the state of Montana or the resident district if the resident district provides transportation. This exception does not apply when:

(A) the child resides in a county different from the county wherein the school he wishes to attend is located; or

(B) the child has enrolled in a high school outside his resident district and has received an approved tuition agreement on or before April 30, 1985. For the purposes of this subsection (2)(a)(ii)(B), the child has the right to

1 continue his high school education in the receiving high
2 school outside his resident district on an approved tuition
3 agreement, subject to the provisions of this section.

4 (b) The approval agents shall approve a tuition
5 application when a child is required to attend high school
6 outside the district of residence ~~but within the state of~~
7 Montana as the result of an order of a court of competent
8 jurisdiction. IF A CHILD, OTHER THAN A SPECIAL EDUCATION
9 CHILD, IS PLACED BY COURT ORDER OUTSIDE THE STATE, THE
10 SCHOOL DISTRICT SENDING THE CHILD MAY RECEIVE FOUNDATION
11 PROGRAM FUNDING FOR THE CHILD AS IF HE WERE ATTENDING HIGH
12 SCHOOL IN THE DISTRICT. IF THE TUITION FOR THE CHILD IS
13 GREATER THAN THE FOUNDATION PROGRAM FUNDING FOR THE CHILD,
14 THE EXCESS MUST BE PAID IN THE MANNER PROVIDED IN 20-5-312
15 FOR A PUPIL ATTENDING HIGH SCHOOL OUTSIDE THE COUNTY OF
16 RESIDENCE. For purposes of this subsection (b), the
17 following do not apply:

18 (i) the prescribed geographic relationship of the
19 receiving district to the district of residence in this
20 subsection (2); or

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

22 (c) In approving a tuition agreement under this
23 provision, the approval agents may require the child to
24 attend the high school closest to his residence. The
25 approval agents may approve any other tuition application

1 that satisfies the geographic requirements of this section.

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

7 (4) The county superintendent shall notify the parent
8 or guardian and the trustees of the district where the child
9 wishes to attend school of the tuition agreement approval or
10 disapproval. If a tuition agreement is disapproved by one or
11 more approval agents, the parent may appeal such disapproval
12 to the county superintendent and, subsequently, to the
13 superintendent of public instruction under the provision for
14 the appeal of controversies in this title.

15 (5) The approval of any tuition agreement by all of
16 the applicable approval agents or upon appeal shall
17 authorize the child named in such agreement to enroll in and
18 attend the school named in such agreement for the ensuing
19 school fiscal year."

20 SECTION 2. 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 (8) a high school district is responsible for the
2 tuition of a student who has been sent by court order
3 outside the state pursuant to 20-5-311(2)(b). Upon approval
4 of the superintendent of public instruction, the student may
5 be considered one ANB."

6 NEW SECTION. Section 3. Extension of authority. Any
7 existing authority of the superintendent of public
8 instruction to make rules on the subject of the provisions
9 of this act is extended to the provisions of this act.

-End-

1 SENATE BILL NO. 302

2 INTRODUCED BY JERGESON, M. WILLIAMS, GLASER, PECK,

3 B. BROWN, REGAN

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ~~THE~~ APPROVAL
6 PROVIDING FOR THE PAYMENT OF HIGH SCHOOL TUITION WHEN A
7 CHILD IS REQUIRED TO ATTEND HIGH SCHOOL OUTSIDE THE
8 JURISDICTION ~~OF HIS RESIDENCE BUT~~ WITHIN THE STATE OF
9 MONTANA; AND AMENDING SECTION ~~SECTIONS~~ SECTION 20-5-311 AND
10 20-9-313, MCA."

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

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

14 "20-5-311. High school tuition. (1) Any child may be
15 enrolled in and attend a high school outside of the high
16 school district in which he resides when such high school is
17 located in Montana or in a county of another state that is
18 adjacent to the state of Montana. When a parent or guardian
19 of a child wishes to have his child attend a school under
20 the provisions of this section, he shall apply to the county
21 superintendent of the county of his residence before July 1
22 of the school fiscal year for which he seeks approval except
23 in those cases when substantial changes in circumstances
24 occurred subsequently to justify later application. Such
25 application shall be made on a tuition agreement form

1 supplied by the county superintendent. The trustees of the
2 district of residence, the trustees of the district in which
3 the child wishes to attend school, and the county
4 superintendent are the approval agents for tuition to
5 another high school within the county. The county
6 superintendent of the county of residence and the trustees
7 of the district in which the child wishes to attend school
8 are the approval agents for attendance outside the county.

9 (2) (a) (i) The approval agents shall approve a
10 tuition application when a child lives closer to a high
11 school of another district than any high school located
12 within his resident district or when, due to road or
13 geographic conditions, it is impractical to attend the high
14 school nearest his residence.

15 (ii) However, the approval agents are not required to
16 approve a tuition application for a student seeking to
17 attend a high school outside the state of Montana or the
18 resident district if the resident district provides
19 transportation. This exception does not apply when:

20 (A) the child resides in a county different from the
21 county wherein the school he wishes to attend is located; or

22 (B) the child has enrolled in a high school outside
23 his resident district and has received an approved tuition
24 agreement on or before April 30, 1985. For the purposes of
25 this subsection (2)(a)(ii)(B), the child has the right to

1 continue his high school education in the receiving high
2 school outside his resident district on an approved tuition
3 agreement, subject to the provisions of this section.

4 (b) The approval agents shall approve a tuition
5 application when a child, AS A RESULT OF A COURT ORDER, is
6 required to attend high school outside the district of
7 residence: but within the state of Montana as the result of
8 an order of a court of competent jurisdiction. IF A CHILD,
9 OTHER THAN A SPECIAL EDUCATION CHILD, IS PLACED BY COURT
10 ORDER OUTSIDE THE STATE, THE SCHOOL DISTRICT SENDING THE
11 CHILD MAY RECEIVE FOUNDATION PROGRAM FUNDING FOR THE CHILD
12 AS IF HE WERE ATTENDING HIGH SCHOOL IN THE DISTRICT. IF THE
13 TUITION FOR THE CHILD IS GREATER THAN THE FOUNDATION PROGRAM
14 FUNDING FOR THE CHILD, THE EXCESS MUST BE PAID IN THE MANNER
15 PROVIDED IN 20-5-312 FOR A PUPIL ATTENDING HIGH SCHOOL
16 OUTSIDE THE COUNTY OF RESIDENCE.

17 (I) BUT WITHIN THE STATE OF MONTANA OR ANOTHER STATE
18 THAT MAINTAINS A RECIPROCAL TUITION AGREEMENT UNDER
19 20-5-314; OR

20 (II) IN A STATE THAT DOES NOT HAVE A RECIPROCAL TUITION
21 AGREEMENT PURSUANT TO 20-5-314. THE AMOUNT OF DAILY TUITION
22 MAY NOT BE GREATER THAN THE AVERAGE DAILY COST PER STUDENT
23 IN THE DISTRICT OF RESIDENCE. THE AMOUNT OF ANNUAL TUITION
24 MAY NOT BE GREATER THAN THE AVERAGE ANNUAL COST PER STUDENT
25 IN THE DISTRICT OF RESIDENCE. THE COUNTY SUPERINTENDENT

1 SHALL CALCULATE THE AVERAGE ANNUAL AND THE AVERAGE DAILY
2 COST PER STUDENT. For purposes of this subsection (b), the
3 following do not apply:

4 (i) ~~the prescribed geographic relationship of the~~
5 ~~receiving district to the district of residence in this~~
6 ~~subsection (2); or~~

7 (ii) (A) an order issued under Title 40, chapter 4,
8 part 2;

9 (B) PLACEMENT OF A CHILD PURSUANT TO TITLE 20, CHAPTER
10 7, PART 4.

11 (c) In approving a tuition agreement under this
12 provision, the approval agents may require the child to
13 attend the high school closest to his residence. The
14 approval agents may approve any other tuition application
15 that satisfies the geographic requirements of this section.
16 (3) The trustees of the district where the child

17 wishes to attend school shall approve or disapprove any
18 tuition application submitted to them under the provisions
19 of this section within 15 days after the receipt of the
20 application.

21 (4) The county superintendent shall notify the parent
22 or guardian and the trustees of the district where the child
23 wishes to attend school of the tuition agreement approval or
24 disapproval. If a tuition agreement is disapproved by one or
25 more approval agents, the parent may appeal such disapproval

1 to the county superintendent and, subsequently, to the
2 superintendent of public instruction under the provision for
3 the appeal of controversies in this title.

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

9 SECTION 2, SECTION 20-9-313, MCA, IS AMENDED TO READ:

10 "20-9-313. Circumstances under which the regular
11 average number belonging may be increased. The average
12 number belonging of a school for a given school fiscal year,
13 calculated in accordance with the ANB formula prescribed in
14 20-9-311, may be increased when:

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

21 (2) the opening or reopening of a high school or a
22 branch of the county high school has been approved in
23 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
24 number belonging for such high school shall be established
25 by the county superintendent's estimate after an

1 investigation of the probable number of pupils that will
2 attend such high school;

3 (3) a district anticipates an increase in the average
4 number belonging due to the closing of any private or public
5 school in the district or a neighboring district. The
6 estimated increase in average number belonging shall be
7 established by the trustees and the county superintendent
8 and approved, disapproved, or adjusted by the superintendent
9 of public instruction no later than the fourth Monday in
10 June;

11 (4) a district anticipates an unusual enrollment
12 increase in the ensuing school fiscal year. The increase in
13 average number belonging shall be based on estimates of
14 increased enrollment approved by the superintendent of
15 public instruction and shall be computed in the manner
16 prescribed by 20-9-314;

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

24 (6) a special full-time pupil, as defined in 20-9-311,
25 in a given school year will no longer be considered a

1 special--full-time--pupil--in--the--ensuing--school--year--(the
2 superintendent--of--public--instruction--may--grant--one--ANB--for
3 such--pupil--for--the--ensuing--school--year);--or

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

15 (8)--a--high--school--district--is--responsible--for--the
16 tuition--of--a--student--who--has--been--sent--by--court--order
17 outside--the--state--pursuant--to--20-5-311(2)(b);--Upon--approval
18 of--the--superintendent--of--public--instruction,--the--student--may
19 be--considered--one--ANB."

20 NEW SECTION. Section 2. Extension of authority. Any
21 existing authority of the superintendent of public
22 instruction to make rules on the subject of the provisions
23 of this act is extended to the provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB302, third reading copy.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the approval of high school tuition when a child is required to attend high school outside the jurisdiction of his residence but within the State of Montana; and amending Section 20-5-311, MCA.

ASSUMPTIONS:

1. Out-of-state education costs for foster care will be shifted from the school equalization account to the foster care benefit program within the Department of Social and Rehabilitation Services.
2. The bill does not specify what entity will pay any difference in out-of-state education costs and the average annual indistrict educational cost. It is assumed that SRS will be court-ordered to pay such costs.

FISCAL IMPACT:

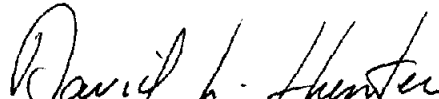
The net impact on the state general fund is zero.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local school districts may incur lower expenditures for out-of-state educational costs for foster care if current payments exceed the annual average district cost of educating a child. There is no data available to estimate such cost differences.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Section 1(2)(b) does not fix responsibility for payment of any difference in educational costs between foster care facility educational rates and the average rate in the affected local school district.

 DATE 3/23/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 3/24/87
GREG JERGESON, PRIMARY SPONSOR

Fiscal Note for SB302, third reading copy.

SB 302
#2

1 SENATE BILL NO. 302
 2 INTRODUCED BY JERGESON, M. WILLIAMS, GLASER, PECK,
 3 B. BROWN, REGAN
 4

5 A BILL FOR AN ACT ENTITLED: "~~AN ACT REQUIRING THE APPROVAL~~
 6 PROVIDING FOR THE PAYMENT OF HIGH SCHOOL TUITION WHEN A
 7 CHILD IS REQUIRED TO ATTEND HIGH SCHOOL OUTSIDE THE
 8 JURISDICTION OF HIS RESIDENCE BUT WITHIN THE STATE OF
 9 MONTANA; AND AMENDING SECTION SECTIONS SECTION 20-5-311 AND
 10 20-9-313, MCA."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 20-5-311, MCA, is amended to read:
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 15 enrolled in and attend a high school outside of the high
 16 school district in which he resides when such high school is
 17 located in Montana or in a county of another state that is
 18 adjacent to the state of Montana. When a parent or guardian
 19 of a child wishes to have his child attend a school under
 20 the provisions of this section, he shall apply to the county
 21 superintendent of the county of his residence before July 1
 22 of the school fiscal year for which he seeks approval except
 23 in those cases when substantial changes in circumstances
 24 occurred subsequently to justify later application. Such
 25 application shall be made on a tuition agreement form

THERE ARE NO CHANGES ON SB 302 AND
 WILL NOT BE REPRINTED. PLEASE REFER
 TO THIRD READING (BLUE) FOR COMPLETE
 TEXT.



REFERENCE BILL