

HOUSE BILL 376

Introduced by Gould, et al.

1/24	Introduced
1/25	Referred to Educaiton & Cultural Resources
1/25	Fiscal Note Requested
1/27	Hearing
1/30	Tabled in Committee
1/31	Fiscal Note Received

1 HOUSE BILL NO. 376
2 INTRODUCED BY Hand
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING HOME SCHOOL
5 PUPILS TO ENROLL PART TIME IN REGULAR OR SPECIALIZED CLASSES
6 OR TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES OF PUBLIC
7 SCHOOLS; PROVIDING FOR FUNDING THROUGH ADJUSTED ANB
8 COMPUTATION FOR PART-TIME ATTENDANCE; AMENDING SECTIONS
9 20-1-101 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE
10 DATE."
11

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

13 NEW SECTION. Section 1. Participation by home school
14 pupil in certain public school classes and activities.

15 (1) A child regularly enrolled in a home school, as defined
16 in 20-5-102(1)(f), that complies with the provisions of
17 20-5-109 may enroll on a part-time basis in regular or
18 special classes or may participate in extracurricular
19 activities of a public school to which he is assigned by the
20 trustees of the district in which the child resides.

21 (2) The superintendent or board of trustees may
22 require compliance by the home school pupil with any
23 scholastic requirement, health requirement, special fee or
24 charge, or other condition imposed on regularly enrolled,
25 full-time students for enrollment or participation in the

1 class or activity. A scholastic aptitude test may be
2 administered at the discretion of the superintendent or
3 board of trustees to ensure compliance with this
4 requirement.

5 Section 2. Section 20-1-101, MCA, is amended to read:
6 "20-1-101. Definitions. As used in this title, unless
7 the context clearly indicates otherwise, the following
8 definitions apply:

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

12 (2) "Average number belonging" or "ANB" shall--mean
13 means the average number of regularly enrolled, full-time
14 pupils attending the public schools of a district,
15 calculated as provided in 20-9-311.

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

19 (4) "Board of regents" means the board of regents of
20 higher education created by Article X, section 9, subsection
21 (2), of the 1972 Montana constitution and 2-15-1505.

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

25 (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) "K-12 vocational education" means vocational education in public school kindergarten through grade 12.

(9) "Principal" means any person who holds a valid class 3 Montana teacher certificate with an applicable principal'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 principal. For the purposes of this title, any reference to a teacher shall be construed as including a principal,--as herein-defined.

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

state of Montana at public expense. For purposes of calculating the average number belonging (ANB) pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached his 19th birthday by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

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

(12) "Regents" means the board of regents of higher education.

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

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

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

(16) "Superintendent of public instruction" means that state government official designated as a member of the

1 executive branch by the constitution of Montana.

2 (17) "System" means the Montana university system.

3 (18) "Teacher" means any person, except a district
4 superintendent, who holds a valid Montana teacher
5 certificate that has been issued by the superintendent of
6 public instruction under the provisions of this title and
7 the policies adopted by the board of public education and
8 who is employed by a district as a member of its
9 instructional, supervisory, or administrative staff. This
10 definition of a teacher shall also include any person for
11 whom an emergency authorization of employment ~~of such person~~
12 has been issued under the provisions of 20-4-111.

13 (19) "Textbook" means a book or manual used as a
14 principal source of study material for a given class or
15 group of students.

16 (20) "Textbook dealer" means any party, company,
17 corporation, or other organization selling, offering to
18 sell, or offering for adoption textbooks to districts in the
19 state of Montana.

20 (21) "Trustees" means the governing board of a
21 district.

22 (22) "University" means the university of Montana,
23 located at Missoula.

24 (23) "Vocational education" means the instruction to
25 prepare or improve the pupil for gainful employment that

1 does not require a baccalaureate or higher degree. This
2 definition of vocational education shall include guidance
3 and prevocational, related, or technical instruction
4 necessary to prepare the pupil for further vocational
5 education or for entry into employment.

6 (24) "Vocational-technical center" means an institution
7 used principally for the provision of vocational-technical
8 education to persons who qualify as vocational-technical
9 students. These centers are designated by the board of
10 regents upon direction by the legislature. All other public
11 or private institutions or schools are hereby prohibited
12 from using this title.

13 (25) "Vocational-technical education" means
14 vocational-technical education of vocational-technical
15 students that is conducted by a vocational-technical center,
16 a unit of the Montana university system, or a community
17 college as designated by the board of regents."

18 **Section 3.** Section 20-9-311, MCA, is amended to read:

19 **"20-9-311. Calculation of average number belonging**
20 **(ANB). (1) Average number belonging ~~shall~~ must be computed**
21 **by determining the total of the aggregate days of attendance**
22 **by regularly enrolled, full-time pupils during the current**
23 **school fiscal year plus the aggregate days of absence by**
24 **regularly enrolled, full-time pupils during the current**
25 **school fiscal year and by dividing ~~such~~ the total by 180.**

1 However, when a school district has approval to operate less
 2 than 180 school days under 20-9-804, ~~such the~~ total ~~shall~~
 3 must be calculated in accordance with the provisions of
 4 20-9-805. Attendance for a part of a morning session or a
 5 part of an afternoon session by a pupil ~~shall~~ must be
 6 counted as attendance for one-half day. In calculating the
 7 ANB for pupils enrolled in a program established under
 8 20-7-117 prior to January 1, 1974, or pursuant to
 9 20-7-117(1), attendance at or absence from a regular session
 10 of the program for at least 2 hours of either a morning or
 11 an afternoon session will be counted as one-half ~~of a~~ day
 12 attended or absent as the case may be. If a variance has
 13 been granted as provided in 20-1-302, ANB will be computed
 14 in a manner prescribed by the superintendent of public
 15 instruction, but in no case ~~shall~~ may the ANB exceed
 16 one-half for each kindergarten pupil. When any pupil has
 17 been absent, with or without excuse, for more than 10
 18 consecutive school days, including pupil-instruction-related
 19 days, his absence after the 10th day of absence ~~shall~~ may
 20 not be included in the aggregate days of absence and his
 21 enrollment in the school ~~shall~~ may not be considered in the
 22 calculation of the average number belonging until he resumes
 23 attendance at school.

24 (2) If a student spends less than half his time in the
 25 regular program and the balance of his time in school in the

1 special education program, he ~~shall--be~~ is considered a
 2 full-time special pupil but ~~shall~~ may not be considered
 3 regularly enrolled for ANB purposes. If a student spends
 4 half or more of his time in school in the regular program
 5 and the balance of his time in the special education
 6 program, he ~~shall-be~~ is considered regularly enrolled for
 7 ANB purposes.

8 (3) The average number belonging of the regularly
 9 enrolled, full-time pupils for the public schools of a
 10 district must be based on the aggregate of all the regularly
 11 enrolled, full-time pupils attending the schools of the
 12 district, except that when:

13 (a) a school of the district is located more than 3
 14 miles beyond the incorporated limits of a city or town or
 15 from another school of the district, all of the regularly
 16 enrolled, full-time pupils of the school must be calculated
 17 individually for ANB purposes;

18 (b) a junior high school has been approved and
 19 accredited as a junior high school, all of the regularly
 20 enrolled, full-time pupils of the junior high school ~~shall~~
 21 must be considered as high school district pupils for ANB
 22 purposes;

23 (c) a middle school has been approved and accredited,
 24 in which case pupils below the 7th grade ~~shall~~ must be
 25 considered elementary school pupils for ANB purposes and the

1 7th and 8th grade pupils ~~shall~~ must be considered high
2 school pupils for ANB purposes; or

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

10 (4) When 11th or 12th grade students are regularly
11 enrolled on a part-time basis, high schools may calculate
12 the ANB to include an "equivalent ANB" for those students.
13 The method for calculating an equivalent ANB ~~shall~~ must be
14 determined in a manner prescribed by the superintendent of
15 public instruction.

16 (5) A public school may calculate ANB to include an
17 "equivalent ANB" for any student who is regularly enrolled
18 in an elementary or secondary educational program not
19 otherwise provided for in this section but that is
20 authorized by law and who attends the public school on a
21 part-time basis. The method for calculating an equivalent
22 ANB must be determined in a manner prescribed by the
23 superintendent of public instruction."

24 NEW SECTION. Section 4. Extension of authority. Any
25 existing authority to make rules on the subject of the

1 provisions of [this act] is extended to the provisions of
2 [this act].

3 NEW SECTION. Section 5. Effective date. [This act] is
4 effective July 1, 1989.

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