

HOUSE BILL NO. 455

INTRODUCED BY ZOOK, CLARK, HANSON, TVEIT, DEVLIN

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
JANUARY 27, 1989	FIRST READING.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 8, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 78; NOES, 19.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 1.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989	RECEIVED FROM SENATE.
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MARCH 31, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 455
 2 INTRODUCED BY Josh Clark
 3 M. Hansen Trevis McKin
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF
 5 A TUITION AGREEMENT FOR AN ELEMENTARY SCHOOL PUPIL WHO LIVES
 6 MORE THAN 3 MILES FROM A SCHOOL OF THE PUPIL'S RESIDENT
 7 ELEMENTARY DISTRICT AND THE SCHOOL THE PUPIL WISHES TO
 8 ATTEND IS LESS DISTANT; AMENDING SECTION 20-5-301, MCA; AND
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10

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

12 **Section 1.** Section 20-5-301, MCA, is amended to read:

13 **"20-5-301. Elementary tuition with mandatory approval.**

14 (1) Any child may be enrolled in and attend an elementary
 15 school outside of the elementary district in which he the
 16 child resides when ~~such~~ the elementary school is located in:

17 (a) any other district of the county of his the
 18 child's residence;

19 (b) a county adjoining his the child's county of
 20 residence; or

21 (c) a district of another state that is adjacent to
 22 the county of his the child's residence.

23 (2) When a parent or guardian of a child wishes to
 24 have his the child attend a school under the provisions of
 25 this section, he the parent or guardian shall apply to the

1 county superintendent of the county of his the parent or
 2 guardian's residence before July 1 of the school fiscal year
 3 for which ~~he-seeks~~ approval is sought except in those cases
 4 when substantial changes in circumstances occurred
 5 subsequently to justify later application. The application
 6 ~~shall~~ must be made on a tuition agreement form supplied by
 7 the county superintendent and ~~shall~~ must be approved, before
 8 permission to enroll in and attend school outside of the
 9 district under the provisions of this section may be
 10 granted, by:

11 (a) the trustees of the elementary district in which
 12 the child resides;

13 (b) the trustees of the district where the child
 14 wishes to attend school; and

15 (c) the county superintendent of the county of the
 16 child's residence.

17 (3) In considering the approval of a tuition
 18 application, the tuition approval agents prescribed in this
 19 section shall approve ~~such the~~ application for a resident
 20 child when:

21 (a) the child resides ~~less--than--3--miles--from--the~~
 22 ~~school--which-he-wishes-to-attend-and~~ more than 3 miles from
 23 any school of his resident elementary district and the
 24 school the pupil wishes to attend is less distant than the
 25 nearest school of the resident elementary district;

(b) the child resides more than 3 miles from any school of his resident elementary district and ~~such~~ the district does not provide transportation under the provisions of this title;

(c) the child resides more than 3 miles from any school of his resident elementary district, the resident district does not provide transportation under the provisions of this title, and school bus transportation is furnished by the district operating the school which he wishes to attend;

(d) the child is a member of a family who must send another child outside of the elementary district to attend high school and the child of elementary age may more conveniently attend an elementary school where the high school is located, provided the child resides more than 3 miles from an elementary school of the resident district or the parent must move to the elementary district where the high school is located in order to enroll the other child in high school;

(e) the child has been declared by a court of competent jurisdiction to be an abused, neglected, or dependent child, as defined in 41-3-102, or a delinquent youth, as defined in 41-5-103, and has been ordered to be placed in a licensed youth care facility which is approved by the department of family services and as a result of the

order the child is required to attend elementary school outside of the district of his residence; (for purposes of this subsection, the prescribed geographic relationship of the receiving district to the district of residence does not apply); or

(f) the child is required to attend elementary school outside the district of residence as the result of an order of a court of competent jurisdiction. For the purposes of this subsection (f), the following do not apply:

(i) the prescribed geographic relationship of the receiving district to the district of residence in this subsection (3); or

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

(4) The trustees of the district where the school to be attended is located may disapprove a tuition agreement that satisfies any of the mandatory approval conditions specified in subsection (3) ~~above~~ when they find that, due to insufficient room and overcrowding, the accreditation of the school would be adversely affected by the acceptance of the child. In the event of disapproval, the trustees shall ~~so~~ notify the parent in writing within 15 days of the first receipt of the application."

NEW SECTION. **Section 2.** Effective date. [This act] is effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

1 *HOUSE* BILL NO. *455*
2 INTRODUCED BY *Rep. Paul*
3 *M. Hargrave*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF
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8 ATTEND IS LESS DISTANT; AMENDING SECTION 20-5-301, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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15 school outside of the elementary district in which he the
16 child resides when such the elementary school is located in:

17 (a) any other district of the county of his the
18 child's residence;

19 (b) a county adjoining his the child's county of
20 residence; or

21 (c) a district of another state that is adjacent to
22 the county of his the child's residence.

23 (2) When a parent or guardian of a child wishes to
24 have his the child attend a school under the provisions of
25 this section, he the parent or guardian shall apply to the

1 county superintendent of the county of his the parent or
2 guardian's residence before July 1 of the school fiscal year
3 for which ~~he seeks~~ approval is sought except in those cases
4 when substantial changes in circumstances occurred
5 subsequently to justify later application. The application
6 ~~shall must~~ be made on a tuition agreement form supplied by
7 the county superintendent and ~~shall must~~ be approved, before
8 permission to enroll in and attend school outside of the
9 district under the provisions of this section may be
10 granted, by:

11 (a) the trustees of the elementary district in which
12 the child resides;

13 (b) the trustees of the district where the child
14 wishes to attend school; and

15 (c) the county superintendent of the county of the
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20 child when:

21 (a) the child resides ~~less--than--3--miles--from--the~~
22 ~~school--which-he-wishes-to-attend-and~~ more than 3 miles from
23 any school of his resident elementary district and the
24 school the pupil wishes to attend is less distant than the
25 nearest school of the resident elementary district;

1 (b) the child resides more than 3 miles from any
2 school of his resident elementary district and ~~such the~~
3 district does not provide transportation under the
4 provisions of this title;

5 (c) the child resides more than 3 miles from any
6 school of his resident elementary district, the resident
7 district does not provide transportation under the
8 provisions of this title, and school bus transportation is
9 furnished by the district operating the school which he
10 wishes to attend;

11 (d) the child is a member of a family who must send
12 another child outside of the elementary district to attend
13 high school and the child of elementary age may more
14 conveniently attend an elementary school where the high
15 school is located, provided the child resides more than 3
16 miles from an elementary school of the resident district or
17 the parent must move to the elementary district where the
18 high school is located in order to enroll the other child in
19 high school;

20 (e) the child has been declared by a court of
21 competent jurisdiction to be an abused, neglected, or
22 dependent child, as defined in 41-3-102, or a delinquent
23 youth, as defined in 41-5-103, and has been ordered to be
24 placed in a licensed youth care facility which is approved
25 by the department of family services and as a result of the

1 order the child is required to attend elementary school
2 outside of the district of his residence; [for purposes of
3 this subsection, the prescribed geographic relationship of
4 the receiving district to the district of residence does not
5 apply]; or

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7 outside the district of residence as the result of an order
8 of a court of competent jurisdiction. For the purposes of
9 this subsection (f), the following do not apply:

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11 receiving district to the district of residence in this
12 subsection (3); or

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

14 (4) The trustees of the district where the school to
15 be attended is located may disapprove a tuition agreement
16 that satisfies any of the mandatory approval conditions
17 specified in subsection (3) ~~above~~ when they find that, due
18 to insufficient room and overcrowding, the accreditation of
19 the school would be adversely affected by the acceptance of
20 the child. In the event of disapproval, the trustees shall
21 ~~so~~ notify the parent in writing within 15 days of the first
22 receipt of the application."

23 NEW SECTION. **Section 2.** Effective date. [This act] is
24 effective on passage and approval.

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1 *HOUSE* BILL NO. *455*
 2 INTRODUCED BY *Rep. Clark*
 3 *M. Hansen Trust Clerk*
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 22 the county of his the child's residence.

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 24 have his the child attend a school under the provisions of
 25 this section, he the parent or guardian shall apply to the

1 county superintendent of the county of his the parent or
 2 guardian's residence before July 1 of the school fiscal year
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 23 any school of his resident elementary district and the
 24 school the pupil wishes to attend is less distant than the
 25 nearest school of the resident elementary district;

1 (b) the child resides more than 3 miles from any
2 school of his resident elementary district and ~~such~~ the
3 district does not provide transportation under the
4 provisions of this title;

5 (c) the child resides more than 3 miles from any
6 school of his resident elementary district, the resident
7 district does not provide transportation under the
8 provisions of this title, and school bus transportation is
9 furnished by the district operating the school which he
10 wishes to attend;

11 (d) the child is a member of a family who must send
12 another child outside of the elementary district to attend
13 high school and the child of elementary age may more
14 conveniently attend an elementary school where the high
15 school is located, provided the child resides more than 3
16 miles from an elementary school of the resident district or
17 the parent must move to the elementary district where the
18 high school is located in order to enroll the other child in
19 high school;

20 (e) the child has been declared by a court of
21 competent jurisdiction to be an abused, neglected, or
22 dependent child, as defined in 41-3-102, or a delinquent
23 youth, as defined in 41-5-103, and has been ordered to be
24 placed in a licensed youth care facility which is approved
25 by the department of family services and as a result of the

1 order the child is required to attend elementary school
2 outside of the district of his residence; (for purposes of
3 this subsection, the prescribed geographic relationship of
4 the receiving district to the district of residence does not
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7 outside the district of residence as the result of an order
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9 this subsection (f), the following do not apply:

10 (i) the prescribed geographic relationship of the
11 receiving district to the district of residence in this
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13 (ii) an order issued under Title 40, chapter 4, part 2.

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15 be attended is located may disapprove a tuition agreement
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18 to insufficient room and overcrowding, the accreditation of
19 the school would be adversely affected by the acceptance of
20 the child. In the event of disapproval, the trustees shall
21 ~~so~~ notify the parent in writing within 15 days of the first
22 receipt of the application."

23 NEW SECTION. **Section 2.** Effective date. [This act] is
24 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 455 (third reading copy -- blue), respectfully report that HB 455 be amended and as so amended be concurred in:

Sponsor: Zook (Regan)

1. Title, line 9.

Following: "DATE"

Insert: "; AND A TERMINATION DATE"

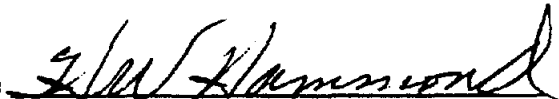
2. Page 4.

Following: line 24

Insert: "NEW SECTION. Section 3. Termination. [This act] terminates June 30, 1992, and no tuition agreement providing for tuition because of the requirement of [this act] may be entered after June 30, 1991.

AND AS AMENDED BE CONCURRED IN

Signed:



H. W. Hammond, Chairman

HB 455

SENATE

HOUSE BILL NO. 455

INTRODUCED BY ZOOK, CLARK, HANSON, TVEIT, DEVLIN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF A TUITION AGREEMENT FOR AN ELEMENTARY SCHOOL PUPIL WHO LIVES MORE THAN 3 MILES FROM A SCHOOL OF THE PUPIL'S RESIDENT ELEMENTARY DISTRICT AND THE SCHOOL THE PUPIL WISHES TO ATTEND IS LESS DISTANT; AMENDING SECTION 20-5-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Section 20-5-301, MCA, is amended to read:**"20-5-301. Elementary tuition with mandatory approval.**

(1) Any child may be enrolled in and attend an elementary school outside of the elementary district in which he the child resides when such the elementary school is located in:

(a) any other district of the county of his the child's residence;

(b) a county adjoining his the child's county of residence; or

(c) a district of another state that is adjacent to the county of his the child's residence.

(2) When a parent or guardian of a child wishes to have his the child attend a school under the provisions of

this section, he the parent or guardian shall apply to the county superintendent of the county of his the parent or guardian's residence before July 1 of the school fiscal year for which he ~~seeks~~ approval is sought except in those cases when substantial changes in circumstances occurred subsequently to justify later application. The application ~~shall~~ must be made on a tuition agreement form supplied by the county superintendent and ~~shall~~ must be approved, before permission to enroll in and attend school outside of the district under the provisions of this section may be granted, by:

(a) the trustees of the elementary district in which the child resides;

(b) the trustees of the district where the child wishes to attend school; and

(c) the county superintendent of the county of the child's residence.

(3) In considering the approval of a tuition application, the tuition approval agents prescribed in this section shall approve such the application for a resident child when:

(a) the child resides ~~less--than--3--miles--from--the school--which--he--wishes--to--attend--and~~ more than 3 miles from any school of his resident elementary district and the school the pupil wishes to attend is less distant than the

1 nearest school of the resident elementary district;

2 (b) the child resides more than 3 miles from any
3 school of his resident elementary district and such the
4 district does not provide transportation under the
5 provisions of this title;

6 (c) the child resides more than 3 miles from any
7 school of his resident elementary district, the resident
8 district does not provide transportation under the
9 provisions of this title, and school bus transportation is
10 furnished by the district operating the school which he
11 wishes to attend;

12 (d) the child is a member of a family who must send
13 another child outside of the elementary district to attend
14 high school and the child of elementary age may more
15 conveniently attend an elementary school where the high
16 school is located, provided the child resides more than 3
17 miles from an elementary school of the resident district or
18 the parent must move to the elementary district where the
19 high school is located in order to enroll the other child in
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21 (e) the child has been declared by a court of
22 competent jurisdiction to be an abused, neglected, or
23 dependent child, as defined in 41-3-102, or a delinquent
24 youth, as defined in 41-5-103, and has been ordered to be
25 placed in a licensed youth care facility which is approved

1 by the department of family services and as a result of the
2 order the child is required to attend elementary school
3 outside of the district of his residence; (for purposes of
4 this subsection, the prescribed geographic relationship of
5 the receiving district to the district of residence does not
6 apply); or

7 (f) the child is required to attend elementary school
8 outside the district of residence as the result of an order
9 of a court of competent jurisdiction. For the purposes of
10 this subsection (f), the following do not apply:

11 (i) the prescribed geographic relationship of the
12 receiving district to the district of residence in this
13 subsection (3); or

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

15 (4) The trustees of the district where the school to
16 be attended is located may disapprove a tuition agreement
17 that satisfies any of the mandatory approval conditions
18 specified in subsection (3) ~~above~~ when they find that, due
19 to insufficient room and overcrowding, the accreditation of
20 the school would be adversely affected by the acceptance of
21 the child. In the event of disapproval, the trustees shall
22 ~~so~~ notify the parent in writing within 15 days of the first
23 receipt of the application."

24 NEW SECTION. Section 2. Effective date. [This act] is
25 effective on passage and approval.

1 NEW SECTION. SECTION 3. TERMINATION. [THIS ACT]
2 TERMINATES JUNE 30, 1992, AND NO TUITION AGREEMENT PROVIDING
3 FOR TUITION BECAUSE OF THE REQUIREMENT OF [THIS ACT] MAY BE
4 ENTERED INTO AFTER JUNE 30, 1991.

-End-